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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/602,688

06/25/2003

Bill Kitchen

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12/12/2006

SUTHERLAND ASBILL & BRENNAN LLP  
999 PEACHTREE STREET, N.E.  
ATLANTA, GA 30309

EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/602,688	<b>Applicant(s)</b> KITCHEN ET AL.	
	<b>Examiner</b> Raquel Alvarez	<b>Art Unit</b> 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 34-37, 39-44, 47-50, 52-57 and 60-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34-37, 39-44, 47-50, 52-57 and 60-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in response to communication filed on 10/23/2006.
2. Claims 34-37, 39-44, 47-50, 52-57 and 60-75 are presented for examination..

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 34-37, 39-44, 47-50, 52-57 and 60-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landry (5,956,700) hereinafter Landry.

With respect to claims 34, 47, 62, 63, Landry teaches systems and methods for electronically presenting and paying bills (Abstract). Receiving by a service provider first billing information representing a first bill from a first biller (i.e. the service provider receives bill information from the payees)(col. 11, lines 64 to col. 12, lines 1-20); automatically directing payment of the first bill by the service provider on behalf of the consumer without the service provider receiving a request to pay the bill (i.e. the customer sets the time period in which the service provider should withdraw the payment from the payor's account every month, thereafter the service provider pays the bills without any notification from the payor)(col. 4, lines 18-37).

With respect to receiving by the service provider a first notification directive from a first consumer and based at least in part of the received notification directive, transmitting a notice of availability of at least a portion of the first billing information to

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the first consumer. Since, Landry teaches that the bill generator 12 receives bill payment information directly from the payees and it has the payor's account information necessary to make the payments on behalf of the customers then it would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to allow for the customers to opt to receive or not to receive billing information because since the bill generator 12 is the entity that would make the payments and it receives the information necessary to make the payments there is no need for the customers to receive unnecessary billing information if they don't want to.

With respect to claims 60-61, 69-70, the limitations were previously addressed in the rejections of claims 34 and 47 rejected above and the claims further recite that based upon a second notification directive, a notice of availability of billing information for one biller is received while based upon a second notification directive, a notice of availability of billing information for another biller is not received. Official notice is taken that it is old and well known for consumers to opt for different payment methods and notification directives based on the consumer's needs. For example, a customer might want to direct payment to one company and might want to receive or not receive billing information from others. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included that based upon a second notification directive, a notice of availability of billing information for one biller is received while based upon a second notification directive, a notice of availability of billing information for another biller is not received because such a modification would the consumers to have control of who and what information they want to receive information from the billers.

With respect to claims 35, 48 Landry teaches that the first consumer is the same as the second consumer (i.e. the payee sends the bill information directly to the service provider so no need for the consumer to access his bill information).

With respect to claims 36-37, 49-50, Landry teaches the first bill is associated with a first biller and the second bill is associated with a second biller and the first biller is different than the second biller (different/multiple payees will use the system).

With respect to claims 39, 52 Landry further teaches that the first bill and the second bill is paid without receipt of a request for the service provider to pay the respective bill (i.e. having pre-instruction from the payors as to indicate the amount to pay on future bills as well as the period of time of when the service provider should make the payments on behalf of the payor (col. 4, lines 18-37).

With respect to claims 40, 53, 64, Landry further teaches receiving, prior to receipt of billing information, a pre-bill instruction for the service provider to pay future bills at least one of the first biller and the second biller; wherein at least one of the first bill and the second bill is a future bill (i.e. receiving instructions on how to pay future bills)(col. 4, lines 18-37).

With respect to claims 41-44, 54-57, 65-68 Landry further teaches that the pre-bill instruction includes a directive for the service provider to pay the future bills in an

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amount equal to a total amount and a period of time for the service provider to pay future bills (i.e. pre-instruction from the payor as to indicate the mount to pay on future bills as well as the period of time of when the service provider should make the payments on behalf of the payor (col. 4, lines 18-37).

Claims 71-74, are rejected under the same rationale as claims 41-44, 54-57, 65-68, rejected above.

Claim 75 further recites determining a biller account number upon a received pre-bill payment authorization excluding a biller account number. Official notice is taken that it is old and well known in billing or the like to retrieve an account number based on the person's name or social security number in order to allow accessing an account number even when a customer doesn't remember his account number. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included determining a biller account number upon a received pre-bill payment authorization excluding a biller account number in order to provide convenience for the customers.

**Response to Arguments**

5. The 112 rejections have been withdrawn.
6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

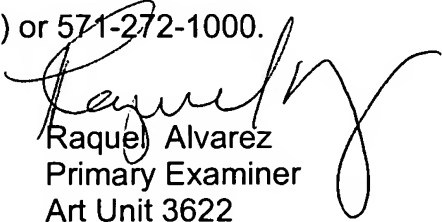
**Point of contact**

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
12/7/2006